

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS BERNHARDT,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)

8:10CR239

ORDER

This matter is before the court on the motion to continue by defendant Thomas Bernhardt (Bernhardt) (Filing No. 29). Bernhardt seeks a continuance of the trial of this matter which is scheduled for October 4, 2010. Bernhardt's counsel has represented to the court that Bernhardt will submit an affidavit wherein Bernhardt represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Bernhardt's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Bernhardt's motion to continue trial (Filing No. 29) is granted.
2. Trial of this matter is re-scheduled for **November 8, 2010**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 29, 2010, and November 8, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 29th day of September, 2010.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge